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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91213092
Party	Plaintiff Matthias Rath
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Submission	Motion to Consolidate
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Date	01/30/2014
Attachments	91213088 - 91213090 - 91213092.pdf(54889 bytes )

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
TRADEMARK TRIAL AND APPEAL BOARD**

DR. MATTHIAS RATH,

Opposer,

v.

TTAB Nos: 91213088  
91213090  
91213092

CHABAN WELLNESS LLC,

Applicant.

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**MOTION TO CONSOLIDATE WITH CONSENT**

Opposer DR. MATTHIAS RATH, moves pursuant to Fed. R. Civ. P. 42(a) and TBMP § 511 to consolidate Oppositions Nos. 91213088, 91213090, 91213092. Opposer respectfully requests that Opposition No. 91213088 be the “parent case” and that the consolidated proceedings follow the schedule set forth in Opposition No. 91213088.

All of these proceedings involve the same counsel, the same parties, and similar marks, and all turn upon common questions of law and fact. Opposer therefore believes that consolidation of these proceedings will result in savings in time, effort, and expense without prejudice or inconvenience to any party. *See, e.g., World Hockey Ass’n v. Tudor Metal Products Corp.*, 185 USPQ 246 (TTAB 1975) (consolidation ordered where issues were substantially the same consolidation would be beneficial to both parties); *Dating DNA LLC v. Imagini Holdings Ltd.*, 94 USPQ2d 1889 (TTAB 2010) (same).

Applicant consented to the consolidation requested herein on January 23, 2014.

Opposer provides the following e-mail addresses for itself and for Applicant’s counsel so that any Order on this Motion may be communicated electronically to: John C. Blattner,

Attorney for Opposer: [jblattner@dickinsonwright.com](mailto:jblattner@dickinsonwright.com); as well as Michael C. Cesarano and Susan J. Latham, Attorney for Applicant: [mcesarano@feldmangale.com](mailto:mcesarano@feldmangale.com); [slatham@feldmangale.com](mailto:slatham@feldmangale.com).

DICKINSON WRIGHT, PLLC

January 30, 2014

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# CERTIFICATE OF SERVICE

I certify on the date stated below a true and correct copy of the foregoing Motion to Consolidate with Consent was served on counsel for Applicant by electronic mail per agreement of the parties, to:

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January 30, 2014

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